

FILED

Clerk

District Court

APR 17 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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2 Second Floor, Nauru Building
3 1 Nauru Loop
4 Susupe, Saipan, CNMI
5 Mail: PO Box 50-1969 Saipan MP 96950
6 Phone: 234-5684
7 Fax: 234-5683

5 Attorneys for Plaintiff

6 IN THE DISTRICT COURT
7 FOR THE NORTHERN MARIANA ISLANDS

8 QIAN XIAOLI,

9 Plaintiff,

10 vs.

11 GRACE INTERNATIONAL, INC.,

12 Defendant.

13 Civ. No. 07-0017 - - -

14 DECLARATION OF
15 QIAN XIAOLI

16 I, Qian Xiaoli, declare as follows:

17 1. I am a citizen of the People's Republic of China and a nonresident worker in the CNMI.

18 I am Plaintiff in the above captioned matter. I make this declaration upon personal knowledge.

19 2. I was employed as a garment worker by Grace International, Inc., beginning on or about
20 October 15, 2002. My contract of employment was renewed on or about October 15, 2003, and
21 renewed again on or about October 15, 2004. I worked primarily as a sewing machine operator.

22
23 3. Beginning about May 2005, I began to suffer from chronic back pain which has been
24 diagnosed as "mechanical lumbar spine dysfunction." True and correct copies of medical records
25 reflecting my condition are attached as Exhibits A, B, and C. This condition prevented me from
26 lifting heavy objects (more than 10 pounds), and from sitting, especially bent forward, for extended
27 periods of time without pain. See Exhibit C (letter from physical therapist).

28

1 4. With reasonable accommodation, including assignment to different types of work within
2 the factory, I could continue to work efficiently and without pain. See Exhibit C (recommending
3 various methods of accommodation). These reasonable accommodations would not have imposed
4 any undue hardship on Grace.

5
6 5. Grace did not make reasonable accommodation. I was transferred briefly to the packing
7 section, but for loading work that involved heavy lifting, and was thus actually more painful than
8 sewing. On two occasions, I was assigned to work that I could perform without difficulty: once to
9 sorting and wrapping duty in the packing section, and once to thread removal in the sewing section.
10 On both occasions, however, I was reassigned back to sewing after only two or three days. I
11 repeatedly asked for different work, but was denied.

12
13 6. Grace declined to renew my contract when it expired in October 2005. A true and correct
14 copy of the letter from Grace advising me of its refusal to renew me is attached as Exhibit D. Grace
15 issued this letter at the same time that I had to take off two days due to my disability (see Exhibit A).
16 I believe that my disability is the reason for my non-renewal, especially since other workers at Grace,
17 whose contracts expired at around the same time as mine, were given the option to renew, but I was
18 not. Also, Grace management personnel, including General Manager Ricky Tam and Manager Li
19 Yanxia, had previously advised me to resign and go back to China because of my back problem, but
20 I had not done it.

21
22 I declare upon penalty of perjury under the laws of the United States of America and the
23 Commonwealth of the Northern Mariana Islands that the foregoing is true and correct to the best of
24 my knowledge, and that if called upon to testify, I could and would testify competently and in
25 accordance herewith.

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1 Executed at Saipan, CNMI, this 16th day of April, 2007.
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QIAN XIAOLI

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7 3232-01-070416-PL-M preliminary injunction-DEC (qian).wpd
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COMMONWEALTH HEALTH CENTER

ILLNESS CERTIFICATION SLIP

Patient Name: DIAN, XIAOLI

The above named patient was examined by me at

7:10 A.M./P.M. on
(Time)

Sept 17, 2005 and was found fit for:
(Date)

No Duty Light Duty off work
Regular Duty School 9-17-05 to
No School 9-19-05

May return to duty/school on:

9-20-05
(Date)

Return to clinic on: Sept 17, 05 Physical Therapy
(Date)

Diagnosis: Chronic low back pain L5/5 thru

Physician's Signature: Dr. Fred Allen

CHC 62-0234 1186 VICKI ANN PATRICKSON

EX. A

COMMONWEALTH HEALTH CENTER
Saipan, Mariana Islands 96950

APPOINTMENT CARD

Date: 9/28/05 Hosp. # _____

Name: Qian, Xiao Li

Date next visit: Monday 10/3/05

Time: 2:00 pm

Therapist: Dana

Appointment by: Physical Therapy Department

Telephone No.: (670) 236-8327

COMMONWEALTH HEALTH CENTER

ILLNESS CERTIFICATION SLIP

Patient Name: Xiao Li Qian

The above named patient was examined by me at

1pm - 2pm A.M./P.M. on
(Time)

09/28/05 and was found fit for:
(Date)

No Duty Light Duty → back support
Regular Duty School and breaks
No School every hour

May return to duty/school on: to stretch
back.
(Date)

Return to clinic on: Monday October 3/05 @ 2pm
(Date)

Diagnosis: Mechanical Lumbar Spine
Dysfunction.

Physician's Signature: D. M. Hecht, MD



Commonwealth of the Northern Mariana Islands

Department of Public Health Division of Hospital Administration



Physical Therapy

September 30, 2005

To: Grace International
Attn: Ms. Lee, Manager
From: Dana McFadden, Physical Therapist
Re: Xiao Li Qian (DOB: 03/20/74)

Dear Ms. Lee,

This letter is regarding your employee, Ms. Qian, who was referred to Physical Therapy by Dr. Pima for treatment of low back pain. On initial evaluation 09/28/2005, Ms. Qian reported a four-month history of back pain. She described her work duties at Grace International as involving sitting and reaching forward.

On examination, I found Ms. Qian has an altered lumbar spine posture and muscular irritation, which is likely the result of excessive periods of time spent bent forward with her lumbar spine flexed. She has decreased overall range of motion and strength in her spinal muscles.

Ms. Qian is currently attending Physical Therapy once a week, and I have provided her with a home exercise program. My recommendations as far as her work duties are the following:
1) Short breaks every hour to allow her to stretch her low back. These can be done in a standing position at her work station. 2) A foot stool or step to place her feet on while seated. This will put her low back into a more normal alignment and decrease vertebral joint stress. 3) Possibly transferring Ms. Qian (temporarily) to a different department that does not involve extended periods of bending forward or lifting large items. 4) Avoid lifting objects greater than 10 lbs, as this will put increased stress on Ms. Qian's lumbar spine.

If these recommendations are followed, it is likely that Ms. Qian will be able to recover and return to full work duties. If not, her back pain is likely to worsen and cause further problems in the future. Your assistance and consideration in this matter is greatly appreciated. Do not hesitate to contact me if you have any questions or concerns. Thank you.

Sincerely,

Dana McFadden
Dana McFadden (BMRPT)
Physical Therapy Department
Commonwealth Health Center
236-8327

GRACE INTERNATIONAL INC.

AAA 888 BOX 10001 SAIPAN MP 96950

TEL: (670) 2349682/9684/9685 FAX: (670) 234-9683

DATE: 09/19/05

DEAR SIR/MISS: QIAN, XIAOLI

YOUR ENTRY PERMIT WILL EXPIRE ON 10/15/05 AND YOU ARE INFORMED THAT YOUR EMPLOYMENT WILL NOT BE RENEWED BY OUR COMPANY.

YOU WILL BE PROVIDED AIRLINE TICKET FOR YOUR RETURN TO YOUR POINT OF HIRE. YOUR AIRLINE TICKET WILL BE READY ON OR BEFORE THE EXPIRATION OF YOUR ENTRY WORK PERMIT. YOU HAVE ONE WEEK AFTER EXPIRATION OF YOUR ENTRY PERMIT TO PREPARE YOUR THINGS FOR YOUR RETURN TO YOUR POINT OF HIRE, OR YOU MAY ARRANGE TO LEAVE EARLIER IF YOU WISH.

SHOULD YOU NEED ASSISTANCE OR HAVE ANY QUESTION YOU MAY SEE ME AT OUR MAIN OFFICE.

SINCERELY,



RAMON P. CRISOSTIMO
RESIDENT MANAGER

EMPLOYEE'S SIGNATURE:

日期 :

钱晓丽 先生 / 小姐

你的工作证将于 _____ 到期，现通知你本人，公司不再给你延期。

公司将为你提供回国机票。机票将在到期日或到期日之前备好。回国日期不能超过工作证到期日一周。如果你想提早回国，可以提前通知公司。

如有任何问题或需要帮助，可随时到办公室询问。

员工签字 : 钱晓丽

日期 : _____

Ex. D